

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD D. TAYLOR, an adult)	C. A. No.
individual, and TERRI TAYLOR,)	
his wife,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
NOEL PILEWSKI, NIGEL HODGES,)	
MARK MORAVEC, TOWNSHIP OF)	
ROBINSON, RAMON C. RUSTIN,)	
WARDEN OF THE ALLEGHENY)	
COUNTY JAIL, and ALLEGHENY)	
COUNTY,)	
)	Jury Trial Demanded
Defendants.)	

COMPLAINT IN CIVIL ACTION

INTRODUCTION

1. This action is brought on behalf of plaintiffs, Ronald D. Taylor and Terri Taylor arising from plaintiff, Ronald D. Taylor's arrest on May 11, 2006 and the injuries he sustained incident to that arrest. The police officers' use of force exceeded that which is reasonable and necessary, violating the universal standards of decency and depriving Mr. Taylor of his constitutional rights. Furthermore, subsequent to the arrest, after Mr. Taylor suffered severe and serious injury to his right leg, the Defendants exhibited a deliberate indifference to the serious medical needs of Mr.

Taylor, who was in state custody, depriving Mr. Taylor of his constitutional rights. The acts of the individual defendants were carried out in accordance with the customs, policies, practices, or procedures of the defendant Township of Robinson and/or Allegheny County. As a result of the defendants' conduct, the plaintiff has suffered injuries to his right foot/ankle and leg, emotional distress, embarrassment and humiliation and has been forced to incur liability for medical treatment, medications, hospitalizations and similar miscellaneous expenses in an effort to restore himself to health. Plaintiff, Ronald D. Taylor is entitled to recover damages for such injuries, and for violation of his constitutional rights pursuant to the Civil Rights Act of 1871, as amended, 42 U.S.C. §1983.

JURISDICTION

2. This court has jurisdiction over the instant claims pursuant to 28 U.S.C. §1331, and 28 U.S.C. §1343. The amount in controversy exceeds \$75,000.00 exclusive of costs, interest and attorney's fees.

PARTIES

3. The plaintiffs, Ronald D. Taylor and Terri Taylor, are husband and wife residing at 565 7th Avenue, East Liverpool, Ohio 43920. Plaintiffs demand a jury trial.

4. The defendant, Noel Pilewski, a resident of the Commonwealth of Pennsylvania, is an adult individual, who, at all times relevant hereto, was acting in his capacity as a Township of Robinson police officer, and who was acting in accordance with the custom, practices and/or policies of the defendant Township of Robinson and who in connection with all claims advanced herein, was acting under color of state law.

5. The defendant, Nigel Hodges , a resident of the Commonwealth of Pennsylvania, is an adult individual, who, at all times relevant hereto, was acting in his capacity as a Township of Robinson police officer, and who was acting in accordance with the custom, practices and/or policies of the defendant Township of Robinson and who in connection with all claims advanced herein, was acting under color of state law.

6. The defendant, Mark Moravec , a resident of the Commonwealth of Pennsylvania, is an adult individual, who, at all times relevant hereto, was acting in his capacity as a Township of Robinson police officer, and who was acting in accordance with the custom, practices and/or policies of the defendant Township of Robinson and who in connection with all claims advanced herein, was acting under color of state law.

7. The defendant, Township of Robinson, is a municipality located within the Commonwealth of Pennsylvania with a principle place of business located at 1000 Church Hill Road, Pittsburgh, Allegheny County, Pennsylvania 15205.

8. At all time relevant hereto, the defendant, Township of Robinson was acting by and through its duly elected officials, authorized agents, assigns, and/or employees who were then and there acting within the course and scope of their employment and in accordance with the custom practices and policies of such defendant. Such individuals were also acting under the color of state law. In conjunction with the individual defendants, the defendant Township of Robinson's custom, policy, and/or practices were the proximate cause of the harm suffered by the plaintiff.

9. The defendant, Ramon C. Rustin, a resident of the Commonwealth of

Pennsylvania, is an adult individual, who, at all times relevant hereto, was acting in his capacity as Warden of the Allegheny County Jail, located within the Commonwealth of Pennsylvania with a principle place of business located at 950 Second Avenue, Pittsburgh, PA 15219, and who was acting in accordance with the custom, practices and/or policies of the defendant Allegheny County and who in connection with all claims advanced herein, was acting under color of state law.

10. The defendant, Allegheny County, is a municipality located within the Commonwealth of Pennsylvania with a principle place of business located at 436 Grant Street, Room 101, Pittsburgh, P A15219.

11. At all times relevant hereto, the individually named defendants, Noel Pilewski, Nigel Hodges, Mark Moravec, filed or caused to be filed criminal charges, including simple assault, resisting arrest, possession or distribution of a small amount of marijuana, disorderly conduct, and public drunkenness and while placing plaintiff Ronald D. Taylor under arrest the above-named defendants used unreasonably excessive force that caused severe injury to plaintiff Ronald D. Taylor's right foot and ankle. The charges were filed against the plaintiff on or about May 11, 2006.

12. During the arrest by the above-named defendants, plaintiff, Ronald D. Taylor suffered severe and serious injury to his right foot and ankle.

13. Following his arrest, Plaintiff Ronald D. Taylor was processed at the Robinson Township Police Department where he requested medical assistance for the injuries he sustained.

14. After his processing, he was transported to the Allegheny County Jail,

Pittsburgh, PA and again requested medical assistance. Plaintiff, Ronald D. Taylor's request was denied by the Pittsburgh Police and/or Allegheny County Jail Guards. The denial of medical assistance by all defendants lasted for a period of over 14 hours.

15. Upon release from the Allegheny County facility, plaintiff, Ronald D. Taylor was transported to the Medical Center of Beaver County for treatment of the injuries sustained during his arrest.

16. Plaintiff, Ronald D. Taylor suffered severe fractures to his right ankle/leg in four places. The fractures required surgery which included the insertion of a medical plate and screws to repair the damage.

17. As a direct and proximate result of the defendants' conduct as set forth above, the plaintiff has suffered injuries to his right foot/ankle and leg, emotional distress, embarrassment and humiliation and has been forced to incur liability for medical treatment, medications, hospitalizations and similar miscellaneous expenses in an effort to restore himself to health.

18. As a direct and proximate result of defendants' conduct as set forth above, the plaintiff's constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution were violated.

19. As a direct and proximate result of the injuries sustained by her husband, Terri Taylor, has been and may in the future be deprived of the care, companionship, consortium, and society of her husband, all of which will be to her great detriment, and claim is made therefor.

WHEREFORE, the plaintiffs seek judgment in their favor in a sum in excess of \$75,000 for both compensatory against all defendants and punitive damages against the individually named defendants, and also seek the recovery of attorney's fees, costs and any other relief that this court deems appropriate under the circumstances.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

SAINOVICH & SANTICOLA, P.C.

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